

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No. 5:04CR0166
)	
Plaintiff,)	
)	JUDGE JAMES S. GWIN
vs)	
)	RESPONSE IN OPPOSITION TO
MARK B. BACKHAUS,)	DEFENDANT’S REQUEST FOR
)	EARLY TERMINATION OF
)	SUPERVISED RELEASE
Defendant.)	

Now comes the United States of America, by its counsel, Steven M. Dettelbach, United States Attorney, and Michael A. Sullivan, Assistant U.S. Attorney, and submits the following recommendation in response to Defendant’s request for early termination from Supervised Release.

By a letter dated October 30, 2013, Defendant makes a *pro se* request of this Court to release him early from his three year term of Supervised Release. Defendant’s Supervised Release began on June 9, 2011, and therefore, is scheduled to continue until June 8, 2014. Defendant made the same request on February 25, 2013, which was denied by this Court on

April 5, 2013. No circumstances have changed since Defendant's first request, other than Defendant remains compliant with the terms of his supervision.

Considering the fact that Defendant travelled from the State of Wisconsin to the State of Ohio with the intention to engage in sex with a seven-year-old girl and a twelve-year-old girl, the interest and safety of the community would best be served by requiring Defendant to finish his term of supervision. Indeed, Defendant was sentenced in 2004, when a three-year term was authorized. In 2006, Congress mandated that the minimum term of supervision for the Defendant's crimes of conviction, is five years. While the five-year minimum cannot be applied to Defendant, *ex post facto*, it still stands as a reflection of the current will of Congress as it relates to sex offenders. Therefore, this Court should not grant an early termination of an already minimal term of supervision.

Respectfully submitted,

STEVEN M. DETTELBAUGH
UNITED STATES ATTORNEY

/s/ Michael A. Sullivan
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CERTIFICATE OF SERVICE

I certify that on December 5, 2013, a copy of the Response in Opposition to Defendant's Request for Early Termination of Supervised Release was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on

the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/Michael A. Sullivan
Assistant U.S. Attorney